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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,947	01/22/2004	Thomas Karpen	702-101	5965

20874 7590 11/30/2006

WALL MARJAMA & BILINSKI  
101 SOUTH SALINA STREET  
SUITE 400  
SYRACUSE, NY 13202

EXAMINER

PHAM, HOA Q

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/762,947	KARPEN, THOMAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hoa Q. Pham	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/6/06 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

1. Drawings filed on 9/6/06 have been approved.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-12 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Desgranges et al (5,102,221).

Regarding claims 8-10 and 19, Desgranges et al disclose an apparatus for inspecting defects of a turbomachine comprises a handset (28), said handset including a display (23); a probe (10, 12, 112) coupled to the handset, the probe including a first end having imaging optics (8a), the imaging optics having a field of view, whereby images of objects within the field of view are shown on said display; and a guide tube (11, 111a) coupled to said handset, the guide tube defining a passageway, said guide tube disposed about said probe whereby said guide tube is slideable with respect to said probe, whereby said first end may be selectively extended from and retracted into said passageway (see figures 1, 2, 6 and 7).

Regarding claims 11-12, as seen from figure 1, the probe (112) is movable back and forth with respect to the guide tube (111a), thus it is inherent that including a first stop and second stop.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 13-18, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desgranges et al in view of Kois (6,806,952).

Regarding claims 1-3, 5, 7, 17, 18, 21 and 22; Desgranges et al does not explicitly teach that the device can be used to inspect vehicle fuel tank and the probe is an elongated flexible probe; however, such a feature is known in the art as taught by Kois. Kois, from the same field of endeavor, discloses an inspection device (10) for inspecting a vehicle fuel tank in which the support tube (11) is preferably made of flexible synthetic resin material (column 2, lines 6-14 or figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Desgranges et al by replace the probe of Desgranges by a flexible probe as taught by Kois for the purpose inspecting the fuel tank. The rationale for this modification would have arisen from the fact that it is hard to inspect the fuel tank with a probe of Desgranges et al and it is easier to use a flexible probe of Kois.

Regarding claim 4, using different guide probes in a borescope is well known in the art for viewing, cutting, or polishing; thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a plurality of probes for the same purpose.

Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include in Desgranges et al an optical fiber for transmitting light from light source (s) to the imaging lens (8a) because it is known in the art that using such fiber would prevent light that lost in the inspection system.

Regarding claims 13-16, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the diameter of the probe and the guide tube so that they can be fitted into the fuel tank or any objects to be inspected.

Regarding claim 20, it would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate the video probe of Descranges et al. the rationale for this modification would have arisen from the fact that all the surface of the fuel tank is inspected by rotating such video probe.

### ***Response to Arguments***

6. Applicant's arguments filed 9/6/06 have been fully considered but they are not persuasive.

a. Applicant's remarks argue that Desgranges et al does not teach the present claimed invention. The argument is not deemed to be persuasive because applicant relied on the first embodiment (figure 1) of Desgranges et al; however, the claimed

languages are read on the teachings of the second embodiment (figures 6-7). As mentioned above, figures 6-7 discloses an apparatus for inspecting defects of a turbomachine comprises a handset (28), said handset including a display (23); a probe (112) coupled to the handset, the probe including a first end having imaging optics (8a), the imaging optics having a field of view, whereby images of objects within the field of view are shown on said display; and a guide tube (111a) coupled to said handset, the guide tube defining a passageway, said guide tube disposed about said probe whereby said guide tube is slideable with respect to said probe (see arrow f), whereby said first end (8a) is be selectively extended from and retracted into said passageway (see figures 6-7 and column 4, lines 16-66).

b. Applicant is noted that figure 7 shows that the tube (111a) and the probe (112) moveable back and forth with respect to each other; thus, it is inherent that includes a first stop and second stop while they are moved back and forth.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (571) 272-2426. The examiner can normally be reached on 7:30AM to 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hoa Q. Pham  
Primary Examiner  
Art Unit 2877

HP  
November 27, 2006